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(b) to delegate the scouts, (c) to determine the camping places and periods of rest, (d) to appoint the cook and water carriers, (e) to lay the general strategy of attack, (f) to divide the booty, (g) to make a truce with the enemies, and (h) to order turning back of the expedition.

In battle, though the leader set an example of courage and daring, each man was free to fight according to the dictates of his medicine and his personal inclinations. After an engagement or a stealthy garnering of horses, the leader and war bonnet wearers covered the escape with rear guard actions.

When raiders had put two to three days of safety between themselves and possible pursuers, they halted. Rest was needed. There were spoils to divide. The leader's eyes had been open to industry and willingness. He had noted or been told of the actions of his followers while in engagement. To the man who excelled, he allowed first choice of the horses. Each member of the party chose in turn according to his service as determined by the chief. The leader took his pick *of what remained*. Then the succession of choices was repeated in the same order as before. If there was an acute shortage of horses, the cook was always taken care of. A nice adjustment, this: the cook had been burdened with the meat supply. If there were too few horses, only the bravest got any return. The leader, no matter what his deeds, got nothing at all if there were not enough horses to go around; in this, as in civil prosecutions, reputation and prestige-obligation counted for more than their visible badge: horses. (It is interesting to speculate on whether this would have persisted, had a *large* herd of horses had a productive economic use as well as a prestige value.)

A reputation for fairness in dividing the spoils enhanced the prestige of a war leader and gained him followers. Some men say that Quanah Parker, the last great Comanche chief, did not do this; he frequently made favorites of his relatives and took the best horses himself. Their fathers refused to go on raids with him.

If a man on a raid was killed before the horses were divided, he was counted out. This is in curious contrast to the strong revenge feeling and the treatment of the cook. There can be no question of any principle akin to "out of sight, out of mind." And there would normally be heirs at home. However, if the horses had already been divided and he had claimed some as his own, then, were he killed, those horses went to his heirs.[7]

[7] The generalized principles included in the preceding paragraphs were not only given as statements by informants but were confirmed by the text of the war histories collected from the Comanches.

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574 224 special request for a certain animal before the active hunters rode into the slaughter.

Objects of material culture were personally owned; but the test of owner- 422 ship was not production so much as use. Clothing was prepared and made by the women, but owned by the person who wore it. A robe made by a woman for herself was hers, while a robe made for her son or husband belonged to that worthy. Tools and utensils used by the women belonged to the women and were also made by them. Every warrior carried his own kit of tools for the making of bows and arrows. This kit was an indispensable part of his personal equipment and was always carried fastened to his body, so that no matter what the emergency he was prepared to equip himself with weapons. Some older men specialized in arrow-making. They gave arrows to petitioners with or without consideration. Each man marked his own arrows with distinctive feathers or by some characteristic of production. Women made saddles for themselves and held them as their own [492] property. The man's saddle, which was of a slightly different style, was [438] owned by the men. Among the Comanches they were made by Mexican [721] captives who specialized in the trade for pay.

Medicine paraphernalia were made by the owner according to his vision 422 directions. If the help of others was needed, they received no pay other 424 than food. The medicine formula was privately owned, but could be trans- 438 ferred in consideration of payment, or given as gift, or inherited. The power itself, however, had to come through a dream as a confirmation of the efficacy of the transfer. War honors were another very distinct form of incorporeal property. These could be transferred as a gift of high esteem, as has been described. They were not, however, articles of trade in economic exchange.

422 The tipi, which was made, erected and moved by the woman, was not 586 hers by proprietary right. The decision as to its disposal belonged to the husband, though if generous and well-disposed towards her, he frequently gave it to the wife on separation.

422 Throughout the simple catalogue of goods we find that articles of personal use were usually personally owned according to the principle of effective utilization.

INHERITANCE

● 428 768 In the disposal of a deceased's property there is but one rule which stood out with constancy: *upon the death of a person all effects of his (or her) personal usage were destroyed.* This included clothing, weapons, saddles, tools, paraphernalia, and horses customarily ridden by the deceased. According to Neighbors, "They also killed their favorite wives, but this custom has

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been done away with from intercourse with the more civilized Indians. . . ."[4] 428
Further, even the tipi in which the dead person, man or woman, lived was 768
totally destroyed; also for a child, but not for a baby. Articles of intimate personal usage were buried with the corpse. Other less important articles were burned. Possessions with medicine powers were either destroyed by throwing them into the river, or by placing them in an unfrequented tree where they could rot.

Claimants for any surplus property were the relatives, close friends 428
of the deceased and fellow tribesmen who came to mourn—especially those who mourned with enthusiasm. Superficially there seems to be no consistency in the Comanche rules of disposal—as to whether goods went to wife, to children, to brothers, or were given to non-relatives. The key is in the recognition of a plurality of levels of legal and customary claims.

First, the surplus property by "law" (presumably law, but its reliability could not be tested to determine enforcement) went to the widow, upon whom the obligation to share with others was imposed. Thus Itoβits said that a wife would "probably" inherit the property, and if her mother-in-law still lived, she might divide with her. Where the marriage had been polygamous, Gets To Be A Middle-Aged Man stated, "Only those wives who had had children by the deceased husband may inherit from him; the first wife administers the distribution." That's It offered that a wife could not keep all the property for herself. "If she tried to, her husband's friends would make trouble."

The first outside claim could be that of the deceased husbands' best friend. He was privileged to ask for the favorite horse: refusal reputedly never occurred. But this was not a cut-in on the widow's property, because if the horse was not given to the intimate friend as a keep-sake, it was invariably slaughtered at the grave. In no event did it enure to the widow. By pre-death testament a man occasionally expressed the desire that his [763]
horse be given to a specified friend, rather than be slaughtered.

Outsiders who had no personal claim to a share in the estate could estab- 428
lish an obligatory claim in two ways. By providing a suit of clothes or add- 626
ing property of their own to the goods buried with the person, they imposed upon the survivors an obligation to share the estate. Visitors mourned and mourned until they were given sufficient gifts to stop them. This was an irresistible pressure from without.

Within the group of heirs, after the wife, surplus horses went to the 428
"father, mother, brothers, and all other relatives according to the degree of

[4] Schoolcraft, *The Indian Tribes, etc.*, vol. 2, p. 133.

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428 relationship." The maternal uncle had prior claim over the paternal.

However, the right to inherit must have meant very little when balanced against it were the exacting requirements of customary mourning. Ideally, the immediate family and even the brothers and sisters of a dead man gave away or destroyed property, their own as well as that from the estate. The [762] burial of a suicide-mother in the Yep Eaters band was in this pattern. The mother hanged herself because her son called her a bitch for not doing for him what his wife should have done. When the body was brought in by her 428 elder sister and father, they laid out a large buffalo rug over a thong. Then, 764 "on this they put all the pretty, fine things the *family* owned. They dressed the dead woman in all her finery, painted her face, combed and plaited her hair, painting the scalp red up the part. They covered her arms from wrist to elbow with silver bracelets. They put on her finest moccasins with silver dollar trimmings. She wore two beautiful belts with handsomely trimmed possible pouches, and so forth. The women dressed her body. (A man dressed a man's.) Her father sat at her head, calling on all her relatives and friends to take their last look. There was a big crowd gathered outside. 'We are going to throw her away. She is going to live in the ground,' he cried. After the people had seen her, they folded the blankets over her, folding in all the fine, pretty things; then they wound the thong about it.

"During this time the women wailed. They tore their dresses off, leaving only skin aprons to cover their mid-region. They hacked at their arms and legs and face. Some cut off an ear. The men cut their flesh, too. This was done by her immediate kin and close friends.

"They brought her horse then with its own saddle. Across it, they threw her body. They put their finest silver-mounted bridle on the horse. They all mounted their horses, and the sister led the funeral horse to a natural cave in the mountains. They put her in it with her saddle. Then they killed her mount.

"When they came back—there was her tipi where she had lived with her father. Back of it was her son's tipi. They put all their belongings inside and burned them. They had *nothing* left."[6]

When people so made themselves destitute, they were on the tribe. They were fed and cared for until they were ready to drop their mourning. Then the men of the family went afoot on a raid to get horses and start life anew.

428 In situations where the family did not spontaneously go as far as did this 626 last one, the public pressure of mourners *forced* them to further giving. 765

[6] The quotations are from Talker, recorded by Jeannette Mirsky.

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Neighbors observed that these helpers in grief "wailed a dead person until they received sufficient gifts from the man's relatives to stop. For instance," he continues, "if a man wants a favorite horse belonging to the brother of the deceased, he continues crying until he obtains it." Not only the deceased's estate, but the whole family property was drawn upon. If the death occurred in battle, then the demands of wailing and the value of gifts received were enlarged with the result that "from the liberality with which they dispose of their effects on all such occasions of the kind, it would induce the belief that they acquire property merely for the purpose of giving it to others."[6]

This is the picture of Comanche disposal of an estate as it appears to be. Actually, there were undoubtedly manifold deviations and variations towards either extreme. The patterns of disposal were nebulous and not well fixed.[7]

Nothing could better reveal the difficulty of evaluating the material which confronts us than the prevailing notions as to what happened in the disposal of the herd of horses belonging to A Big Fall By Tripping. On three points all the stories agree: he had waxed so fat that no horse could carry him, hence he was dragged from place to place on a good, strong travois; when he died he was too big to move to the mountains, so they dug a hole within his tipi and dumped him in; he left an estate of one thousand to fifteen hundred horses—all white. Concerning the settlement of the estate our four accounts diverge.

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[6] Neighbors, *ibid.*, pp. 133–134.

[7] Professor Ralph Linton has acutely described the confusion and conflict in Comanche inheritance practices, laying emphasis upon the dynamics of cultural change. " . . . in 1870–1880 the practices of the Comanche with regard to inheritance were in a chaotic condition. There is good reason to believe that the whole problem of inheritance was new to the culture. The Plateau tribes from whom the Comanche had separated themselves when they entered the Plains were accustomed to destroy all a man's property at his death. This entailed few hardships and no serious economic loss, since property was limited to clothing and a few weapons and utensils. When the Comanche took over the Plains culture and acquired horses, inheritance became a real problem. Some individuals owned very large herds, in one case 2,000 animals. To slaughter the entire herd at the death of the owner was strongly against native sentiment and also prejudicial to the interests of the tribe. Since animals were freely loaned, several individuals might be dependent upon one man's herd for their mounts and would be seriously handicapped in hunting and war if these were killed. Stories indicate that there were some cases of wholesale killing during the early period, but by 1870 it had become customary to kill only a man's favorite horses and distribute the rest among the surviving relatives. No rules governing this distribution had been developed, with the result that there was usually hard feeling among the heirs." Linton, *The Study of Man*, pp. 297–298.

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428 183 *Case 40a. Inheritance: Estate of A Big Fall By Tripping*
Informant: Gets To Be A Middle-Aged Man

"Before his death, A Big Fall By Tripping had made an announcement stating his desire that his best horses were to be slain with the arrows which he had in his three quivers. There were one hundred arrows in each. (Indeed, a wealthy man.) The remaining horses were to be divided up among the tribesmen. This order was executed by the tribe's best marksmen under the direction of a peace chief. Three hundred of the best were slain."

Case 40b. Inheritance: Estate of A Big Fall By Tripping
Informant: That's It

"A Big Fall By Tripping made no announcement whatever of testamentary desire. After his death the chief decided that the herd was too large for a woman to handle, so he set the warriors to slaying the horses. They worked at this until all the ammunition ran out. Still there were five hundred horses left. The chief thought it over then and decided that the woman could handle one hundred head without trouble. They picked out the gentler ones for her. Then the dead man's best friend took one hundred too. The chief asked the widow what she would like to have done with the rest, advising that it was good to give them to the husband's best friends. It was done in this way, with the mother and the grandfather of the most intimate friend of the old man coming in for a share too. The horse which had been used to carry the man's travois was buried in the grave with him."

Case 40c. Inheritance: Estate of A Big Fall By Tripping
Informant: She Invites Her Relatives

"The dead man's nephew rounded up the horses and started killing them. He was engaged in this when four disinterested men came to him and told him not to kill all of them. They told him to give the remaining horses to his own children and his friends. He decided to do as they suggested."

Case 40d. Inheritance: Estate of A Big Fall By Tripping
Informant: Talker

"There was an only child, a favorite daughter. Three nephews, Echo Of A Wolf's Howl, Little Crow and Old Weathered Tree, also survived him. They hated their 'sister' out of jealousy for her favored position during the fat man's lifetime. Because these men were her 'elder brothers,' they could control the disposition of the estate. They each selected forty or fifty good horses and shot the rest so that there would be none left for her. They killed so many that they lay in the meadow like so many shocks of wheat. They used their superior status to get even with her and she had no redress. If they had not been mean to her, they would have asked her to take some of the horses because her father would not have wanted her to be poor."

When confronted with such a situation as this the only sound interpretation the investigator can make is that inheritance rules were so uncertain

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that there was no commonly accepted formula to which retailers of the story could hold fast. Without this unconscious prompter of memory, the truth was soon dissipated and the event is described according to individual notions. 428 183

CONTRACT

Rounding out the survey of situations of possible legal significance, attention must be given to the phenomenon of contract wherein a party or parties assumed a definite, but limited, obligation by virtue of agreement. These obligations are not to be confused with such status-obligations as sharing food with one's father-in-law. These latter may be entered upon by acts of agreement such as marriage, but once entered upon they were social and legal duties inherent in the new relations and carried on indefinitely. Standing economic obligations of a reciprocal nature are not "contractual" in nature. Contract is a specific obligation undertaken at a specific time; the contractual arrangement is ended when the obligation has been fulfilled. 675

In addition to the transfer of medicine powers and the payment of goods to settle a grievance there were other contract situations involving the rendering of personal services. Of these the most usual was curing; the next most important was the undertaking of responsibility to lead a revenge war party. A third was occult prophecy, or seer-seeing. And a fourth was sorcery for hire, or putting the enemy of another person on the spot through evil use of medicine powers. The last is not substantiated by any case material, but was attested by informants. Saddle and arrow making, if done on order, would also come under this heading.

In seeking a medicine man to perform a cure, there were certain solemn steps customarily followed. The proposal and acceptance followed an institutionalized pattern which marked the occasion ceremonially as one of significance. In the first place, it was well to use a "political lawyer" to get the thing done, especially so, if the practitioner sought was a well known medicine man. A friend of the medicine man was known throughout the band as the best person to send to the doctor. The doctor would listen to him with willing ears. The petitioner was also familiar with the ways in which the medicine man liked to have the smoke handed to him and could make the petition smooth in many ways. Such intermediaries received their compensation not from the sick person, but from the doctor, as a share in the gifts received by him.[8] 675 756

[8] The use of a pipe lighting assistant is of limited Shoshonean distribution. Cf. W. S. Park, *Shamanism in Western North America* (Chicago, 1938), p. 127.

3: Wallace & Hoebel E-4, 5 (1933, 1945) 1952
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not ride a single one, but had to travel sitting on a travois. In comparison, the entire Pawnee tribe had 1,400, the Osage 1,200, and the Omaha 1,200. The greater the distance from Texas and Mexico, the fewer the horses found.

The number of horses possessed by the South Plains Indians decreased rapidly in the last half of the nineteenth century. The Antelope band surrendered only 1,500 head to the United States at the time of their capitulation at Fort Sill, Oklahoma, on June 2, 1875.[11] The Comanche, Kiowa, Apache, and Delaware tribes had 14,810 head in 1874, but three years later they possessed only 4,194. Subsequent to just one engagement, on the morning of September 28, 1874, the day after he had destroyed the Comanche-Kiowa-Cheyenne camp in Palo Duro Canyon, Colonel MacKenzie's troop shot and killed some 1,400 Indian horses.[12] Such attrition devastated the great herds.

The Comanches obtained their supply of horses by gift and trade, by breeding, by capturing wild ones, and by raiding.

It was considered a gracious gesture to give a favorite horse to a friend. And although it was general practice to kill a warrior's personal riding string on his grave, many a man before his death willed his favorite horse to his best friend. Even the poorest had at least one horse, for the public approved the rich man who celebrated an important occasion by giving a horse to some poor old fellow who could not rustle one for himself.

In intertribal trading the Comanches exchanged horses for goods, but by 1850 they had so many horses themselves that they never bothered to trade for them. In the great peace-making in 1840 between the Cheyennes on the one side and the Comanches, Kiowas, and Kiowa-Apaches on the other, the Cheyennes gave guns, blankets, calico, beads, and brass kettles, while the Kiowas, Comanches, and Apaches offered horses. Mountain, the Kiowa spokesman, had said, "We all of us have many horses; as many as we need; we do not wish to accept any horses as presents, but we shall be glad to accept any other gifts. We, the Kiowas, Comanches, and Apaches, have made a road to give many horses to you when we come here." They were as good as his word; every Cheyenne man, woman, and child

[11] Commissioner of Indian Affairs, *Annual Report*, 1875, 273.
[12] Nye, *Carbine and Lance*, 223.

3: Wallace & Hoebel E-4, 5 (1933, 1945) 1952
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294 hide and boiled them down in water until the concoction made a glue-like sizing. It was spread over the surface to be decorated and [386] served as a fixer for the paint. The paints, which were mineral pigments in water, were pressed into the hide with the edge of a patella. After the design was completed, the hide was sized once again. Such [428] robes, although they could be buried with the owner at her funeral, were usually inherited by a younger sister.[25]

291 293 Both men and women normally went bareheaded, except in bad weather when the robe was pulled up to form a kind of temporary hood, but in later years many Comanches wore fur caps made of buffalo calf or coyote skins. Warriors sometimes wore a coiffure of buffalo horns or a hood made of the scalp of the buffalo with the horns attached in proper position as a part of their ceremonial attire. For special state or ceremonial occasions, feathers were worn as plumes or woven into a hood or war bonnet. The Indians of the East wore a narrow head band into which feathers were stuck upright, but the Comanches and other Plains Indians wore a kind of cap around which the feathers were placed so as to droop and spread backward, and not infrequently the cap supported a streamer.

293 Clark Wissler believes the war bonnet was not regularly worn prior to the reservation period by the Plains Indians, although by 1834 feathers were worn on the head as a badge of distinguished service throughout a wide area of the Plains.[26] His conclusion regarding the use of feathers by Plains Indians in general is fairly well substantiated by evidence regarding the Comanches. Had the war bonnet been worn, some of the early visitors would certainly have noted it. It was too conspicuous to have been overlooked. David G. Burnet mentioned the buffalo-horn headdress but not the war bonnet. Several accounts relate that feathers, particularly those of the eagle, were worn in the hair by warriors. Captain R. G. Carter, who was with Colonel MacKenzie in the campaigns against the Comanches in the eighteen seventies, was one of the first to mention feathered war bonnets of the "most unique and fantastical designs" as though they were regular and proper dress on special occasions.[27] They certainly never became

[25] *Ibid.*

[26] Clark Wissler, *The Relations of Nature to Man in Aboriginal America*, 52–61.

[27] Carter, *On the Border with MacKenzie*, 283.

The Comanches

567 [422] of trade, and poverty-stricken Shoshones often sold their children to their more prosperous Comanche cognates.

641 [727] Some captives became naturalized, free members of the tribe, even respected warriors. The changed status was recognized by a solemn ceremony only after the Comanches felt they ran no risk by such a step. According to the customary procedure, the pipe was passed around the council circle. After smoking, all stood up, each placing his right hand over the heart, then raising it toward the sun, repeating the process while marching around the circle. Then the captive was led before the chief to take the oath, wherein he promised faithfully to perform all the duties of a Comanche warrior, to help provide for, protect, and obey the chief in all things in both peace and war. The person taking the oath was then given a Comanche name and was required to select a family and be adopted by a brother.

422 424 Objects of material culture were personally owned, but the test of ownership was not production so much as use. Clothing was made, for example, by the women, but was owned by the person who wore it. The medicine formula was privately owned, but could be transferred. War honors were a sort of property which might on occasion be transferred, but rather as a mark of esteem and not for economic consideration. Objects jointly used, like the tipi, were usually considered to be the property of the husband.

●428 At the time the Comanches were confined upon the reservation, their practices in regard to inheritance were in a chaotic condition. Apparently the whole problem of inheritance was so new to their culture that no established norms had evolved. The Plateau tribes from whom the Comanches had separated themselves when they entered the plains were accustomed to destroy all a man's property at his death. This included clothing, weapons, saddles, tools, war paraphernalia, and horses customarily ridden by the deceased, and in ancient times even the wife. In the early days, the Comanches also sometimes killed the favorite wives of a deceased warrior. Articles of intimate personal use were buried with the corpse; other less important articles were burned. This destruction entailed few hardships and no serious economic loss, since the property was limited to clothing and a few weapons and utensils. When the Comanches acquired horses, inheritance became a serious problem. To slaughter the entire

3:Wallace & Hoebel E-4, 5 (1933, 1945) 1952
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herd at the death of the owner was prejudicial to tribal interest, for, since the animals were freely lent, several people might be dependent upon one man's herd for their mounts, and they would be seriously handicapped in hunting and in war if the animals were killed. Also, in case of food shortage, horses were food. By 1870 it had become customary to kill only the deceased's favorite mount and to distribute the remainder of his horses among the surviving relatives and friends. No absolute rule governing this distribution had been developed, with the result that there was often hard feeling among the heirs. The culture apparently was moving toward a settlement of the problem through bequests and recognition that certain relatives and close friends had the right to take their choice of the property, but the lines were not yet clear.[26]

Although there seems to have been no absolute consistency in rules of disposal, property appears to have passed to the widow, upon whom the obligation to share with others was imposed. She could not retain all the property herself. The first outside claim could be that of the deceased's best friend. He was entitled to the favorite horse, if it was not slaughtered at the grave. During the later period, a man often expressed the desire that his horse be given to a specified friend rather than slaughtered. Surplus horses went to the wife, father, mother, brothers, and other relatives according to the degree of relationship. Outsiders who had no personal claim to share in the estate could establish an obligatory claim either by providing property of their own to be buried with the person or by being helpers in mourning who "wailed a dead person until they received sufficient gifts from the man's relatives to stop."[27] If death occurred in battle, the amount of wailing and the value of goods demanded in payment might be increased.

Contract occurs when a party assumes a definite and limited obligation by virtue of agreement. The contractural arrangement is ended when the obligation has been fulfilled. Included among Comanche contractural agreements were the transfer of medicine powers, curing, the obligation to lead a revenge war party, occult prophecy, sorcery for hire, and hiring a specialist to help in the making of material objects such as arrows, saddles, and tipis. In the making of most con-

[26] Linton, *The Study of Man*, 297.
[27] Neighbors, "The Naüni or Comanches of Texas," *loc. cit.*, 133–34.

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C 602 598 178 (a la automobile) but not on the same seat. John maintains that this no longer holds for his own children and that brothers and sisters will even dance together. However, I have never seen any of his children break these strictures.

C K 858 178 While preadolescents frequently break tabus, this is to be expected from the examples of indulgence afforded in the earlier days. The preadolescent had not yet come of age and was not considered responsible or even capable of comprehending the total network of responsibilities and strictures which he would have to follow as an adult.

C K 602 178 The range of recognized kin seems to have shrunken considerably for those younger than about 45 years. This is probably due in part to the fact that the ideal marriage cannot be adhered to and the resultant mix ups tend to confuse the younger generations (in its C K 608 [502] turn due to a less clear settlement pattern?). Claim relationships also seem to confuse the younger people who do not wish to be bound by them. To be so bound would certainly restrict the choice of a marriage partner to the nth degree although I do not think this is C K [178] a motivating factor in the minds of the individuals concerned. The young people do not make claim relatives as did their parents. On the other hand, a claim relative of the parents or grand parents who keeps close contact with the family will be recognized and honored C K by the young people. The practice of inheriting a claim relative [428] after an older person's death is most often considered a great nuisance.

Factionalism

C K 177 186 The conflict in primitive societies coming into contact with technologically superior cultures, between assimilationists and traditionalists has been proposed elsewhere (Redfield 1953). I have been attempting to determine whether this tension may be observed today and, if so, whether it can be helpful in coming to understand the factionalsim of the Plains Tribes.